

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

UNITED STATES of AMERICA for the Use
and Benefit of WEBCOR CONSTRUCTION,
INC. dba WEBCOR BUILDERS, and
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK
CORPORATION; THE MORGANTI
GROUP; AMERICAN CASUALTY
COMPANY OF READING, PA;
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, and
DOES 1 through 10, inclusive,

Defendants.

AND ALL RELATED COUNTER-CLAIMS;
THIRD PARTY COMPLAINTS; and
CONSOLIDATED ACTION.

Case No.: 3:07-CV-02564-CRB

**[PROPOSED] ORDER DISMISSING
WITH PREJUDICE MARELICH
MECHANICAL CO., INC. ONLY FROM
THIRD PARTY COMPLAINT and
DISMISSING WITH PREJUDICE
MARELICH MECHANICAL CO.,
INC.'S ENTIRE COUNTERCLAIM AND
CROSS-CLAIM**

(F.R.C.P. 41 (a)(1)(A)(i); F.R.C.P. 41 (c))

Judge: Hon. Charles R. Breyer

Having considered the Stipulations for Dismissals jointly submitted by Marelich
Mechanical Co., Inc., on the one hand, and Dick/Morganti; Dick Corporation; The Morganti
Group, Inc.; American Casualty Company of Reading, PA; National Union Fire Insurance
Company of Pittsburgh, PA; and Continental Casualty Company, on the other hand, THIS
COURT HEREBY ORDERS the following:

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**[PROPOSED] ORDER DISMISSING WITH PREJUDICE MARELICH MECHANICAL
CO., INC. ONLY FROM THIRD PARTY COMPLAINT and DISMISSING WITH
PREJUDICE MARELICH MECHANICAL CO., INC.'S ENTIRE COUNTERCLAIM AND
CROSS-CLAIM**

Case No.: 3:07-
CV-02564-CRB

1 1. Marelich Mechanical Co., Inc. is dismissed, with prejudice, from the Third Party
2 Complaint for Declaratory Relief filed on or about July 27, 2007 by American Casualty
3 Company of Reading, PA and National Union Fire Insurance Company of Pittsburgh, PA.; and
4

5 2. Marelich Mechanical Co., Inc.'s Counterclaim filed on or about February 28,
6 2008 against American Casualty Company of Reading, PA and National Union Fire Insurance
7 Company of Pittsburgh, PA is dismissed, with prejudice; and

8 3. Marelich Mechanical Co., Inc.'s Crossclaim filed on or about February 28, 2008
9 against Continental Casualty Company; Dick Corporation; The Morganti Group, Inc.; and
10 Dick/Morganti, a joint venture, is dismissed, with prejudice.
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13 **IT IS SO ORDERED.**
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16 Dated: _____, 2008

Honorable Charles R. Breyer